

Re. : Response to Office Action Mailed on April 6, 2004
Appl. No. : 10/635,361
Filed : August 5, 2003

IV. REMARKS

Claims 1-18 are currently pending in the application and the Office Action rejected Claims 1-18. By the foregoing amendments, Applicants amended Claims 1, 8 and 15 to further clarify, define and/or broaden the claimed invention, and expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121, no new matter is introduced by these amendments. Applicants believe that Claims 1-18 are now in condition for allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

A. Replacement Sheets of Drawings

The attached replacement sheets of drawings, which include Figures 1-5, replace the original sheets of drawings which included Figures 1-5. The replacement sheets of drawings replace the original sheets of drawings which included handwritten reference numerals. Applicants respectfully submit that these replacement sheets of drawings do not add any new matter and Applicants request that these replacement sheets of drawings be accepted.

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B. Response to the Section 102(b) Rejection

The Office Action rejected Claims 1-3, 5, 6, 8-10, 12, 15 and 18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. Des. 178,535 issued to Oglesby. The Office Action stated that Figures 1 and 2 of the Oglesby patent should be seen.

Applicants respectfully traverse this rejection because the Oglesby patent does not teach, suggest or disclose each and every element of the claimed invention. The Oglesby patent is a design patent that discloses a combined table and benches with a support structure or frame disposed towards each side of the combined table and benches. As shown in Figures 1 and 2, each support structure or frame includes a generally C-shaped section with an elongated portion that contacts a support surface such as the floor or ground, and two shorter sections that are spaced apart and generally parallel to the elongated portion that contacts the support surface. As shown in the figures, the benches are connected to the short sections of the generally C-shaped section by fasteners. The Oglesby patent also discloses that a vertical support is connected to each of the shorter sections and the elongated portion of the generally C-shaped section, and a vertical support is located underneath each of the benches. These vertical supports are apparently designed to support the benches and prevent the generally C-shaped sections from deforming or collapsing. In addition, the Oglesby patent discloses a pair of vertical supports that are connected to the elongated portion of the generally C-shaped section that contacts the support surface. The vertical supports are also connected to the table top to support the table top above the support surface.

In order to further clarify, define and/or broaden the claimed invention, and expedite receiving a notice of allowance, however, Applicants amended Claims 1, 8 and 15. For example,

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Applicants amended Claim 1 to provide “a first leg including an at least substantially closed a loop portion with a generally rectangular configuration and a table support portion, the loop portion being constructed from an integral, one-piece component, the first bench and the second bench being connected to the loop portion of the first leg, the table support portion being disposed proximate a center portion of the loop portion and being disposed between the first bench and the second bench, the table support portion being connected to a lower portion of the loop portion and an upper portion of the loop portion, the central table being connected to the table support portion.” Thus, Claim 1 now recites the first leg includes **an at least substantially closed a loop portion** with **a generally rectangular configuration** and a table support portion, **the loop portion being constructed from an integral, one-piece component**, the first bench and the second bench being connected to the loop portion of the first leg, the table support portion being disposed proximate a center portion of the loop portion and being disposed between the first bench and the second bench, the **table support portion being connected to a lower portion of the loop portion and an upper portion of the loop portion**, the central table being connected to the table support portion.

In contrast, as discussed above, the Oglesby patent discloses a generally C-shaped structure with an elongated portion that contacts the support surface. Thus, the Oglesby patent does **not** disclose a leg including an at least substantially closed loop portion. The Oglesby patent also does **not** disclose a leg having a generally rectangular configuration. In addition, the Oglesby patent does **not** disclose the loop portion being constructed from an integral, one-piece component. The Oglesby patent also discloses a pair of vertical supports that are connected to only the elongated portion of the generally C-shaped section. Thus, the Oglesby patent does **not**

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a table support being connected to a lower portion of the loop portion and an upper portion of the loop portion. Because the Oglesby patent does not disclose each and every element of Claim 1, Applicants respectfully request that this Section 102(b) rejection be withdrawn.

Similarly, Applicants amended Claim 8 to provide “a first leg including an at least substantially closed loop portion with a generally rectangular configuration, the loop portion being constructed from an integral, one-piece component, the loop portion supporting a first end of the first bench and a first end of the second bench above the support surface, the first leg including a table support being disposed proximate a center portion of the loop portion and between the first bench and the second bench, the table support portion being connected to a lower portion of the loop portion and an upper portion of the loop portion, the table support supporting the center table above the support surface.” Thus, Claim 8 positively recites the first leg includes an at least substantially closed loop portion with a generally rectangular configuration, the loop portion being constructed from an integral, one-piece component, the loop portion supporting a first end of the first bench and a first end of the second bench above the support surface, the first leg including a table support being disposed proximate a center portion of the loop portion and between the first bench and the second bench, the table support portion being connected to a lower portion of the loop portion and an upper portion of the loop portion, the table support supporting the center table above the support surface.

As discussed above, the Oglesby patent does **not** disclose a leg with an at least substantially closed loop portion. The Oglesby patent also does **not** disclose a leg with a generally rectangular configuration. In addition, the Oglesby patent does **not** disclose a loop

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portion being constructed from an integral, one-piece component. Further, the Oglesby patent does **not** disclose a table support portion that is connected to a lower portion of the loop portion and an upper portion of the loop portion. Applicants respectfully request that this Section 102(b) rejection be withdrawn because the Oglesby patent does not disclose each and every element of Claim 8.

Similarly, Applicants amended Claim 15 to provide “a first support including an at least substantially closed loop portion with a generally rectangular configuration and a table support portion, the loop portion being constructed from an integral, one-piece component, the table support portion being disposed proximate a center portion of the loop portion and being disposed between the first bench and the second bench, the table support portion being connected to a lower portion of the loop portion and an upper portion of the loop portion, the loop portion and the table support portion being generally aligned in the same plane.” Thus, Claim 15 positively recites the first support includes **an at least substantially closed loop portion** with **a generally rectangular configuration** and a table support portion, **the loop portion being constructed from an integral, one-piece component**, the table support portion being disposed proximate a center portion of the loop portion and being disposed between the first bench and the second bench, **the table support portion being connected to a lower portion of the loop portion and an upper portion of the loop portion**, the loop portion and the table support portion being generally aligned in the same plane.

As discussed above, the Oglesby patent does **not** disclose a leg with an at least substantially closed loop portion. The Oglesby patent also does **not** disclose a leg with a generally rectangular configuration. In addition, the Oglesby patent does **not** disclose a loop

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portion being constructed from an integral, one-piece component. Further, the Oglesby patent does not disclose a table support portion that is connected to a lower portion of the loop portion and an upper portion of the loop portion. Consequently, Applicants respectfully request that this Section 102(b) rejection be withdrawn because the Oglesby patent does not disclose each and every element of Claim 15.

Applicants also request that the rejection of dependent Claims 2, 3, 5, 6, 9, 10, 12 and 18 be withdrawn at least because these claims are dependent upon amended independent Claims 1, 8 or 15, respectively. Accordingly, Applicants request that this Section 102(b) rejection of Claims 1-3, 5, 6, 8-10, 12, 15 and 18 be withdrawn.

C. Response to the First Section 103(a) Rejection

The Office Action rejected claims 4, 7, 13, 14, 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over the Oglesby patent in view of U.S. Patent No. Des. 244,067 to Uhl. The Office Action acknowledged that the first and second legs of the Oglesby patent do not form continuous loops. The Office Action, however, asserted that the Uhl patent (Figs. 1, 2) teaches the use of an elongated member extending continuously from underneath the seat members on each side, forming a “continuous loop” with the leg members and the elongated lower member. The Office Action asserts that, in view of this suggestion, to have extended and joined the loop portions of each side member of the Oglesby patent that supports the seat such that a continuous loop is formed, would have been an obvious modification to one with ordinary skill in the art, thereby increasing the support and strength of the picnic table.

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Applicants respectfully traverse this rejection because neither the Oglesby nor the Uhl patents, either alone or in combination, teach, suggest or disclose each and every limitation of the claims. Nevertheless, in order to further clarify, define and/or broaden the claimed invention, and expedite receiving a notice of allowance, Applicants amended Claims 1, 8 and 15. For example, as discussed above, Applicants amended Claim 1 to provide “a first leg including an at least substantially closed a loop portion with a generally rectangular configuration and a table support portion, the loop portion being constructed from an integral, one-piece component, the first bench and the second bench being connected to the loop portion of the first leg, the table support portion being disposed proximate a center portion of the loop portion and being disposed between the first bench and the second bench, the table support portion being connected to a lower portion of the loop portion and an upper portion of the loop portion, the central table being connected to the table support portion.” Thus, Claim 1 now recites the first leg includes **an at least substantially closed a loop portion** with **a generally rectangular configuration** and a table support portion, **the loop portion being constructed from an integral, one-piece component**, the **first bench and the second bench being connected to the loop portion** of the first leg, the table support portion being disposed proximate a center portion of the loop portion and being disposed between the first bench and the second bench, the **table support portion being connected to a lower portion of the loop portion and an upper portion of the loop portion**, the central table being connected to the table support portion.

The Uhl patent, in contrast, discloses a “continuous loop” with **six sides** that supports that table top. The six-sided structure disclosed in the Uhl patent does **not** have a generally rectangular configuration. The Uhl patent also discloses horizontal cross bars and vertical

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support bars that support the benches. These horizontal cross bars and vertical support bars are connected to the “continuous loop.” Thus, the benches are not connected to the “continuous loop.” Further, the “continuous loop” disclosed in the Uhl patent supports the table top and the Uhl patent does not disclose a table support portion connected to an upper portion of the continuous loop and the lower portion of the continuous loop. In fact, the Uhl patent teaches that a table support portion is not necessary because the “continuous loop” supports the table top. Thus, the Uhl patent teaches away from using a table support portion to support the table top.

Consequently, Applicants respectfully request that this Section 103(a) rejection be withdrawn because the Oglesby and Uhl patents do not teach, suggest or disclose, either alone or in combination, each and every element of Claims 4, 7, 13, 14, 16 or 17.

D. Response to the Second Section 103(a) Rejection

The Office Action rejected Claim 11 under 35 U.S.C. § 103(a) as being obvious over the Oglesby patent in view of U.S. Patent No. 6,186,590 to Tseng. The Office Action asserted that it would have been obvious to provide the table of the Oglesby patent with a pair of side rails that interconnect the crossbars of the table supports as shown in Figure 2 of the Tseng patent for increasing the support for the table top.

Applicants respectfully traverse this rejection because neither the Oglesby nor the Tseng patents, either alone or in combination, teach, suggest or disclose each and every element of Claim 11. In addition, Applicants respectfully request that this Section 103(a) rejection be withdrawn at least because Claim 11 is dependent upon amended independent Claim 8.

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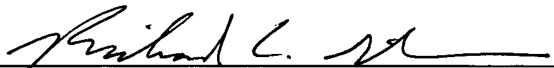
CONCLUSION

In view of the foregoing, Applicant submits that Claims 1-18 are allowable over the cited references and are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be promptly issued.

If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

Respectfully submitted,

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